

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

JOHN A. PIENKOS, SARAH E. PIENKOS,)	
CHARLES ROBERT PIENKOS and JOHN)	
ANDREW PIENKOS II,)	Civil Action No. 4:11-cv-01637-RBH
)	
Plaintiffs,)	
)	
vs.)	
)	
GENERAL AMERICAN LIFE INSURANCE)	CONSENT ORDER
COMPANY, A METLIFE COMPANY;)	CORRECTING DOCKET ENTRY
JAMES BENNON; DOUGLAS THORPE;)	
and FUTURE FOCUS FINANCIAL GROUP,)	
LLC,)	
)	
Defendants.)	
)	

THIS MATTER CAME BEFORE THE COURT upon the consent of all parties to correct Docket Entry Number 38 in this case (Plaintiffs' Expert Witness Disclosure) (filed 02/14/2012) to delete Entry Number 38-1 (Plaintiffs' Expert Report) (filed 02/14/2012).

At the time Plaintiffs filed their Expert Witness Disclosure and Report, filings in this case were governed by the First Amended Scheduling Order entered on 08/25/2011. Pursuant to the First Amended Scheduling Order, the Court required counsel to "file a document that *identifie[d]* the experts and certifie[d] compliance with these rules." (First Amended Scheduling Order, Docket Entry Number 21, p. 3, fn. 5) (emphasis added). The Order noted that this requirement was supplemental to the Federal Rules of Civil Procedure, which the Court confirmed "do not require filing any portion of the written report or expert disclosure." *Id.* (citing Fed. R. Civ. P. 26(a)(2)(B) and (C)).

Defendants contend that Plaintiffs' Expert Report, which was filed as an attachment to Plaintiffs' Expert Witness Disclosure, should not be a part of the public record in this case. The

parties agree that Plaintiffs were only required to file their Expert Witness Disclosure. Plaintiffs consent to the deletion of their Expert Report from the Docket, leaving their Expert Witness Disclosure of record.

NOW, THEREFORE, for good cause shown, the Court hereby ORDERS that Docket Entry Number 38 (filed 02/14/2012) be corrected to delete Entry Number 38-1 (Plaintiffs' Expert Report) (16 pages). Docket Entry Number 38 (Plaintiff's Expert Witness Disclosure) (1 page) shall remain of record. The Clerk of Court is hereby directed to take such action as may be necessary to cause the same to be done.

AND IT IS SO ORDERED.

s/R. Bryan Harwell
The Honorable R. Bryan Harwell
United States District Judge

March 20, 2013
Florence, South Carolina

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